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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,807	08/24/2000	Volker Weinrich	GR 97 P 1861 D	4185

7590 07/25/2003

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EXAMINER

AHMED, SHAMIM

ART UNIT PAPER NUMBER

1765

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/645,807	WEINRICH ET AL.	
Examiner	Art Unit	
Shamim Ahmed	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 May 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14,21 and 22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. 09/110,052.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,7-9,12-14, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Summerfelt et al (5,619,393).

Summerfelt et al disclose an electrode configuration in a stacked capacitor, in which a second conductive layer (42) of titanium nitride is formed on a first conductive layer (40) of platinum (col.6, lines 41-62).

Summerfelt et al inherently teach that the first conductive layer is unetchable to chemical dry etching because the material for the first conductive layer is similar as the instant application (see lines 18-21 at page 15 of the instant application).

Summerfelt et al further teach that the second and the first conductive layers are structured, wherein the first conductive layer such as platinum is etched using the second conductive layer as a mask (see figures 9-10) and also teach that, the etching of

platinum layer is primarily done by physical dry etching or reactive ion etching (col.6, lines 10-49).

As to claim 3, Summerfelt et al inherently teach that the reactive substance will react with the second conductive material to form non-volatile compound because the material of the second conductive material is exactly the same as the instant application such as titanium nitride.

As to claims 8-13, Summerfelt et al teach that an insulation layer of silicon containing layer such as silicon dioxide (46) is applied on the electrode configuration to form a contact hole and depositing a conductive layer of aluminum (50) and filling the contact opening to form a plug (48) (col.7, lines 9-14 and figure 10).

As to claim 14, Summerfelt et al inherently teach that the first conductive layer acts as a barrier layer during the structuring the second conductive layer because the first conductive layer is unetchable to chemical dry etching.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summerfelt et al (5,619,393) as applied to claims 1-3,7-9,12-14, and 21-22, and further in view of Chung (5,976,394).

Summerfelt et al discussed above in paragraph 3 but remain silent about the dry etching of the first conductive layer comprises having reactive gases like an inert gas.

However, Chung teaches that it is conventional to use a reactive gas such as an inert gas (argon) or a mixed gas such as Cl₂/Ar for efficiently etching platinum (col.1, lines 27-40).

Therefore, it would have been obvious to one skilled in the art at the time of claimed invention to combine Chung's teaching into Summerfelt et al's method for efficiently etching the first conductive layer, which is substantially difficult or substantially unetchable by chemical dry etching without making a reaction product through reaction with platinum as taught by Chung.

6. Claims 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Summerfelt et al (5,619,393) as applied to claims 1-3, 7-9, 12-14, and 21-22 above, and further in view of Yang et al (5,436,190).

Summerfelt et al discussed above in paragraph 3 but remain silent about the deposition process of silicon oxide, which can be done by TEOS or by a silane process.

However, in a method of fabricating a semiconductor device, Yang et al teach that deposition of silicon oxide is performed by using a TEOS process or by a silane process (col.4, lines 54-67).

Therefore, it would have been obvious to one skill in the art at the time of claimed invention to combine Yang et al's teaching into Summerfelt et al's process for efficient and easy deposition of silicon oxide as taught by Yang et al.

Conclusion

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (703) 305-1929. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Shamim Ahmed
Examiner
Art Unit 1765

SA
July 21, 2003

Ben Utech
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